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Fax (703) 872-9306 Pages 10

Date October 6, 2004

From Susan M. Pellegrino

Fax (203) 812-6459 Tel. (203) 812-6450

Re U.S. Patent Application Serial No.: 10/009,856

Bayer Pharmaceuticals Corporation

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susan.pellegrino.b@bayer.com

Documents transmitted to the U.S. Patent and Trademark Office

- 1) Fee Transmittal [IN DUPLICATE]
- 2) Reply to Office Action mailed April 6, 2004
- 3) Certificate of Transmission under 37 CFR 1.8
- 4) Fax Cover Sheet

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE spond to a collection of information untess it displays a valid OMB control number. Under the Paperwork Reduction Act of 1995, no persons are required to Complete if Known FEE TRANSMITTAL 10/009,856 Application Number April 10, 2002 Filing Date for FY 2004 Olaf Webber First Named Inventor Effective 10/01/2003. Patent fees are subject to ennual revision. Shanon A. Foley Examiner Name Applicant claims small entity status. See 37 CFR 1.27 1648 Art Unit LeA 33 771 (\$) 980.00 TOTAL AMOUNT OF PAYMENT Attorney Docket No. FEE CALCULATION (continued) METHOD OF PAYMENT (check all that apply) 3. ADDITIONAL FEES Money Order Check Credit card Large Entity | \$mall Entity ■ Deposit Account: Fee Fee Description Fee Paid (\$) ode Code Deposit 13-3372 65 Surcharge - late filing fee or oath Account 1051 130 2051 Number Surcharge - late provisional filing fee or cover sheet 2052 1052 50 Deposit Jeffrey M. Greenman 130 Non-English specification 1053 Name 1053 130 The Director is authorized to: (check<u>all that apply)</u> 1812 2,520 For filling a request for ex parte reexamination 1812 2,520 Credit any overpayments Charge fee(s) indicated below 920" Requesting publication of SIR prior to 920 1804 1804 Charge any additional fee(s) or any underpayment of fee(s) Examiner action 1805 1,840* Requesting publication of SIR after Charge fee(s) indicated below, except for the filing fee 1805 1 840 Framiner action to the above-identified deposit account. Extension for reply within first month 55 1251 110 2251 FEE CALCULATION 210 Extension for reply within second month 1252 420 2252 980.00 1. BASIC FILING FEE 475 Extension for reply within third month 1253 950 2253 arge Entity Small Entity Fee Pald 740 Extension for reply within fourth month 2254 Fee Description 1254 1.480 Fee Fee Code (\$) ee Fee 1,005 Extension for reply within fifth month 1255 2,010 2255 Utility filing fee 2001 385 1001 770 2401 165 Notice of Appeal 1401 330 Design filing fee 2002 170 1002 340 165 Filing a brief in support of an appeal 2402 1402 330 Plant filing fee 2003 265 1003 530 145 Request for oral hearing 1403 290 2403 Reissus filing fee 2004 385 1004 770 1,510 Petition to institute a public use proceeding 1451 1 510 1451 2005 Provisional filing fee 1005 160 55 Petition to revive - unavoidable 1452 110 2452 SUBTOTAL (1) (\$) 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1,330 2501 665 Utility issue fee (or reissue) 1501 Fee from 240 Design issue fee 1502 480 2502 Extra Claims 320 Plant issue fee 2503 1503 640 130 Petitions to the Commissioner Independent 1460 130 1460 50 Processing fee under 37 CFR 1.17(q) Multiple Dependent 1807 50 1807 180 Submission of Information Disclosure Strnt 1806 180 1808 Large Entity | Small Entity 40 Recording each patent assignment per Fee Description Fee Fee Code (\$) 40 8021 8021 property (times number of properties) Code (\$) 385 Filing a submission after final rejection (37 CFR 1.129(a)) Claims in excess of 20 2202 9 1202 18 770 2809 1809 Independent claims in excess of 3 43 A6 2201 1201 385 For each additional invention to be examined (37 CFR 1.129(b)) Multiple dependent claim, if not paid 770 2810 1810 290 2203 145 1203 ** Reissue independent claims 385 Request for Continued Examination (RCE) 1204 86 2204 43 770 1801 2801 over original patent 900 Request for expedited examination 1802 1802 900 ** Releaue claims in excess of 20 2205 1205 18 of a design application and over original patent Other fee (specify) SUBTOTAL (2) *Reduced by Basic Filing Fee Paid (\$) 980.00 SUBTOTAL (3) or number previously paid, if greater; For Reissues, see above SUBMITTED BY (203) 812-6450 Registration No. Telephone 48,972 Suşan M. Pellegrino rcey/Agenti Name (PrintType) 10/06/2004 liaurd

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for FY 2004 Effective 10/01/2003. Patent fees are subject to annual revision.						April 10, 2002				
			Filing Date			Olaf Webber				
			First Named Inventor			Shanon A. Foley				
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**or number previously paid, if greater, For Reissues, see above (Complete (# applicable))										
SUBMITTED BY	Registration No. AS				3,972		Telephone (203) 812-6450			
Name (Print/Type) Susan M. Pellegrino	M. Fellegrino (Altomay/Acont) 1006/2004									
Signature Susan M. Lelleques Deta 18/06/2004										

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Attorney Docket No. LeA 33 771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Weber, et al.

Group Art Unit: 1648

OCT O 6 2004

Serial No.: 10/009,856

Filed: April 10, 2002

Examiner: Shanon A. Foley

For: Organ, Tissue and Cell-Specific Immuno-Therapeutic for Chronic Viral Infections and

Inflammatory, Degenerative and Proliferative Diseases, in Particular of the Liver, and for Cancer,

Based on a Recombinant Parapox Virus

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted, on the date shown below, to the U.S. Patent and Trademark Office at (703) 872-9306.

Date: October 6, 2004

REPLY AND AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed April 6, 2004 (Paper No. 32104), Applicants respectfully request reconsideration and reexamination of the present application in view of the following amendments and remarks.

Applicants respectfully petition the Commissioner for Patents under the provisions of 37 C.F.R. 1.136(a) to extend the time for filing a response to the Office Action mailed April 6, 2004 for three (3) months from July 6, 2004 to October 6, 2004. Please charge the fee for the three-month extension of time to Deposit Account No. 13-3372.

AMENDMENTS

IN THE SPECIFICATION:

Kindly amend the specification as described on page 5 of this amendment.

IN THE CLAIMS:

Kindly amend the claims as follows:

Please amend claims 1 and 2, as shown in the attached sheets (page 6).